

6 FEBRUARY 2001



Scientific/Research and Development

DOMESTIC TECHNOLOGY TRANSFER

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OPR: SAF/AQR (Dr. Van Blackwood)
Supersedes AFD 61-3, 29 July 1994.

Certified by: SAF/AQR (Dr. Donald C. Daniel)
Pages: 6
Distribution: F

SUMMARY OF REVISIONS

This entire Policy Directive was rewritten. The changes to this Policy Directive were required in order to align Air Force Policy more directly with newly issued DoD Policy on domestic technology transfer (DoD Directive 5535.3). This includes making Air Force Policy to enhance US competitiveness while leveraging DoD Research & Development investments, making technology transfer activities a priority in Air Force acquisition programs, listing more technology transfer mechanisms available for use, new reporting requirements, and making technology transfer a responsibility for science and engineering professionals.

1. Technology transfer activities are integral elements of the Air Force's pursuit of its national security mission and concurrently these activities improve the economical, environmental, and societal well being of the citizens of the United States of America. These activities enhance the economic competitiveness of industry and promote the productivity of state and local governments while leveraging the Department of Defense (DoD) Research and Development (R&D) investment. This will result in a strong industrial base that the Air Force and the DoD can utilize to supply its needs. These activities must have a priority role in all Air Force acquisition programs and must be recognized as a key activity of the Air Force mission.

2. It is Air Force policy that all Air Force organizations promote the transfer or exchange of technology with state and local governments and the private sector in accordance with applicable public laws, DoD Directives and Instructions, and Air Force instructions and handbooks. The technology transfer program includes spin-off, dual use, and spin-on activities that make the best possible use of national scientific and technical capabilities to enhance the effectiveness of DoD forces and systems.

2.1. The Air Force transfers or exchanges technology permitting the public and private sectors to benefit from the use of Air Force facilities, personnel, and resources. Transfer mechanisms include Cooperative Research and Development Agreements (CRADAs), Commercial Test Agreements (CTAs), patent licenses or assignments, Education Partnership Agreements (EPAs), grants, Cooperative

Agreements and Other Transactions, and Small Business Innovation Research awards, and other agreements.

2.2. All Air Force activities engaged in technology transfer shall report all management information required by the Director of Defense Research and Engineering (DDR&E) in accordance with DoD instructions. This information shall include, but not be limited to, Defense Technology Transfer Information System (DTTIS), annual business plans, and technical and programmatic information.

2.3. Technology Transfer is a responsibility of all Air Force science and engineering professionals working in Air Force laboratories and/or technical activities. Each Air Force laboratory and/or technical activity will establish a Technology Transfer Focal Point who manages the local transfer program and participates on the Air Force Technology Transfer Integrated Planning Team.

2.4. The Air Force promotes domestic technology transfer by protecting inventions and other intellectual property arising from Federally supported R&D through United States and foreign patenting and patent licensing.

3. See attachment 1 for references and supporting information.
4. See attachment 2 for measures used to comply with this policy.

F. WHITTEN PETERS
Secretary of the Air Force

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

Public Law 96-480, *The Stevenson-Wydler Technology Innovation Act of 1980 as amended*

Public Law 99-502, *Federal Technology Transfer Act of 1986*

Executive Order 12591, *Facilitating Access to Science and Technology*, 10 April 1987

DoD Directive 5535.3, *Department of Defense Technology Transfer Program*, 21 May 1999

DoD Instruction 5535.8, *DoD Technology Transfer (T2) Program*, 14 May 1999

10 U.S.C. 2194, *The Educational Partnership Act*, 5 January 1999

10 U.S.C. 2539b, *Authority to Sell*, 5 January 1999

15 U.S.C. 3710, *Utilization of Federal Technology*, 5 January 1999

AFPD 51-3, *Civil Litigation*, 21 May 1993

AFPD 61-2, *Management of Scientific and Technical Information*, 7 April 1993

AFI 51-303, *Intellectual property - Patents, Patent Related Matters, Trademarks, Copyrights*, 1 September 1998

AFI 61-301, *The Domestic Technology Transfer Process and the Offices of Research and Technology Applications*

AFI 61-302, *Cooperative Research and Development Agreements*

Abbreviations and Acronyms

AFI—Air Force Instruction

AFPD—Air Force Policy Directive

CRADA—Cooperative Research and Development Agreement

CTA—Commercial Test Agreement

DDR&E—Director Defense Research and Engineering

DTTIS—Domestic Technology Transfer Information System

EPA—Education Partnership Agreement

OPR—Office of Primary Responsibility

ORTA—Office of Research and Technology Applications

R&D—Research and Development

SAF/AQR—The Office of the Deputy Assistant Secretary for Acquisition (Science, Technology and Engineering)

Terms

Air Force Program Management Team—The Air Force Office (the Air Force Technology Transfer Program Manager and his or her staff) responsible for implementing this policy directive and its instructions.

Air Force Technology Transfer Integrated Planning Team—This is a working level group whose membership includes all Air Force Technology Transfer Focal Points, each participating command's Technology Transfer Manager, the Air Force Program Management Team, and various support personnel (including, but not limited to, legal, public affairs, financial management, contracting, etc.) The group meets regularly and works together to resolve common problems, share best practices and lessons learned, and initiate program and process improvements.

Cooperative Research and Development Agreement (CRADA)—An agreement between one or more federal laboratories and/or technical activities and one or more nonfederal parties. Under a CRADA, the government laboratories and/or technical activities shall provide personnel, services, facilities, equipment, or other resources with or without reimbursement (but not funds to the nonfederal parties). CRADAs are instruments that may be used in all aspects of a product and/or system life cycle where RDT&E activities occur. The nonfederal parties shall provide funds, personnel, services, facilities, equipment, or other resources toward the conduct of specified research and development efforts that are consistent with the missions of the laboratory and/or technical activity. The CRADA partners shall share in the intellectual property developed under the effort. This term does not include a procurement contract or cooperative agreement as used in 31 U.S.C. §§ 6303, 6304, and 6305.

Education Partnership Agreement (EPA)—An agreement under 10 U.S.C. § 2194 between educational institutions and an Air Force scientific and engineering activity(ies) for the purpose of encouraging and enhancing study in scientific disciplines at all levels of education. The educational institutions referred to in the preceding sentence are local educational agency [agencies], colleges, universities, and any other nonprofit institutions that are dedicated to improving science, mathematics, and engineering education. Under such a partnership agreement, the director of an Air Force scientific and engineering activity may provide assistance to the educational institution by-- (1) loaning defense laboratory equipment to the institution; (2) transferring to the institution defense laboratory equipment determined by the director to be surplus; (3) making laboratory personnel available to teach science courses or to assist in the development of science courses and materials for the institution; (4) involving faculty and students of the institution in defense laboratory research projects; (5) cooperating with the institution in developing a program under which students may be given academic credit for work on defense laboratory research projects; and (6) providing academic and career advice and assistance to students of the institution.

Laboratory and/or Technical Activity—For this Policy Directive, that phrase is, as broadly defined, in 15 U.S.C. 3710a(d)(2)(A), and shall include the following:

A facility or group of facilities owned, leased, or otherwise used by the Air Force, a substantial purpose of which is the performance of research, development, or engineering by employees of the Air Force.

Use of this broad definition is deliberate. That definition is not confined to those Air Force components that are formally titled "laboratories." The intent of that definition is to encompass the wide range of organizations and arrangements that function as laboratories and/or technical activities in Air Force research, development, and engineering programs. It shall include laboratories and/or technical activities and reference more diverse arrangements that shall provide a virtual laboratory capability. For example, an Air

Force component may have a virtual lab involving a management function accomplished in an Air Force activity, plus a dispersed set of research activities to be accomplished by a variety of organizations outside of the sponsoring and/or managing activity. Those capabilities are included in test, logistics, and product centers; depots; arsenals; program offices; and all Air Force offices providing for RDT&E. This is consistent with 15 U.S.C. 3710a(d)(2)(A) which uses such encompassing terms as “facility.” This broad definition is in accordance with new DoD practices.

While the definition cited in 15 U.S.C. 3710a(d)(2)(A) occurs in a section of the United States Code dealing with CRADAs, the use of that broad definition in the DoD Directive 5535.3 and DoD Instruction 5535.8 shall not be limited to matters involving CRADAs. The broad definition applies to all citations of laboratories and/or technical activities in this Policy Directive.

Office of Research and Technology Applications (ORTA) —Office required by 15 U.S.C. § 3710(b) to oversee the *Domestic Technology Transfer Program* at a laboratory and/or technical activity. Normally, an ORTA comprises individuals with expertise in marketing, public relations, intellectual property, patent law, and scientific and technical information.

Technology Transfer —The communication (sharing) of knowledge, expertise, facilities, equipment, and other resources, for application to military and non-military systems. Domestic technology transfer shall include the following:

Spin-off activities that shall demonstrate DoD technology; e.g., commercial viability of technologies already developed or presently being developed for U.S. security purposes. The primary purpose of those activities, which encompass much technology transfer, shall be to promote and make available existing DoD-owned or -developed technologies and technical infrastructure to a broad spectrum of non-DoD applications.

Dual-use science and technology and other activities that develop technologies that shall have both DoD and non-DoD applications.

Spin-on promotion activities that shall demonstrate the U.S. security utility of technologies developed outside of the DoD. That goal shall be to incorporate the innovative technology into military systems to meet mission needs at a lower acquisition cost by taking advantage of the economies of scale by purchasing from a larger industrial base.

Attachment 2**MEASURING COMPLIANCE WITH POLICY**

A2.1. The Air Force measures compliance with this directive by reviewing data reported by the Offices of Research and Technology Applications (ORTA) and other Technology Transfer Focal Points and by comparing results with goals developed in Air Force activity's annual business plan. Items referenced in the Air Force Technology Transfer Handbook dealing with performance measures will be used

(http://www.afrl.af.mil/techtran/handbk/index_nofrm.htm)